

# House Study Bill 68

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
WORKFORCE DEVELOPMENT  
BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to elevator conveyance safety standards enforced  
2 by the division of labor services of the department of  
3 workforce development.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1416DP 82  
6 ak/je/5

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1 1  
1 2 Section 1. Section 89A.1, Code 2007, is amended to read as  
1 3 follows:  
1 4 89A.1 DEFINITIONS.  
1 5 As used in this chapter, except as otherwise expressly  
1 6 provided:  
1 7 1. "Alteration" means any change made to an existing  
1 8 ~~facility conveyance~~, other than the repair or replacement of  
1 9 damaged, worn, or broken parts necessary for normal  
1 10 maintenance.  
1 11 2. "Commissioner" means the labor commissioner, appointed  
1 12 pursuant to section 91.2, or the labor commissioner's  
1 13 designee.  
1 14 3. "Conveyance" means an elevator, dumbwaiter, escalator,  
1 15 moving walk, lift, or inclined or vertical wheelchair lift  
1 16 subject to regulation under this chapter, and includes  
1 17 hoistways, rails, guides, and all other related mechanical and  
1 18 electrical equipment.  
1 19 4. "Division" means the division of labor services of the  
1 20 department of workforce development created under section  
1 21 84A.1.  
1 22 ~~4.~~ 5. "Dormant facility" conveyance means a facility  
1 23 conveyance whose power feed lines have been disconnected from  
1 24 the mainline disconnect switch and is one of the following:  
1 25 a. An electric elevator, material lift, or dumbwaiter  
1 26 whose suspension ropes have been removed, whose car and  
1 27 counterweight rest at the bottom of the hoistway, and whose  
1 28 hoistway doors have been permanently barricaded or sealed in  
1 29 the closed position on the hoistway side.  
1 30 b. A hydraulic elevator, material lift, or dumbwaiter  
1 31 whose car rests at the bottom of the hoistway, whose pressure  
1 32 piping has been disassembled and a section removed from the  
1 33 premises; whose hoistway doors have been permanently  
1 34 barricaded or sealed in the closed position on the hoistway  
1 35 side; and, if provided, whose suspension ropes have been  
2 1 removed and the counterweights landed at the bottom of the  
2 2 hoistway.  
2 3 c. An escalator or moving walk whose entrances have been  
2 4 permanently barricaded.  
2 5 d. A rack and pinion or screw column ~~facility elevator~~,  
2 6 whose motor has been removed, platform lowered to the bottom,  
2 7 and entrances barricaded.  
2 8 ~~5.~~ 6. "Dumbwaiter" means a hoisting and lowering  
2 9 mechanism equipped with a car which moves in guides in a  
2 10 substantially vertical direction, when the floor area does not  
2 11 exceed nine square feet, the total compartment height does not  
2 12 exceed four feet, the capacity does not exceed five hundred  
2 13 pounds, and which is used exclusively for carrying materials.  
2 14 ~~6.~~ 7. "Elevator" means a hoisting and lowering mechanism  
2 15 equipped with a car or platform which moves in guides in a  
2 16 substantially vertical direction, and which serves two or more  
2 17 floors of a building or structure. ~~The term elevator~~

2 18 "Elevator" does not include a dumbwaiter, endless belt,  
2 19 conveyor, chain or bucket hoist, construction hoist, or other  
2 20 device used for the primary purpose of elevating or lowering  
2 21 building or other materials and not used as a means of  
2 22 conveyance for individuals, ~~nor shall it~~ and does not include  
2 23 tiering, piling, feeding, or other machines or devices giving  
2 24 service within only one story.

2 25 7- 8. "Escalator" means a power-driven, inclined,  
2 26 continuous stairway used for raising or lowering passengers.

2 27 8. ~~"Facility" means an elevator, dumbwaiter, escalator,  
2 28 moving walk, lift, or inclined or vertical wheelchair lift  
2 29 subject to regulation under this chapter, and includes  
2 30 hoistways, rails, guides, and all other related mechanical and  
2 31 electrical equipment.~~

2 32 9. "Freight elevator" means an elevator used for carrying  
2 33 freight and on which only the operator and persons necessary  
2 34 for unloading and loading the freight are permitted to ride.

2 35 10. "Inclined or vertical wheelchair lift" means a lift  
3 1 used as part of an accessible route in or at a public building  
3 2 as specified in the American society of mechanical engineers  
3 3 safety codes for elevators and escalators, A17.1.

3 4 11. "Inspector" means an inspector employed by the  
3 5 division for the purpose of administering this chapter.

3 6 12. "Lift" means a device consisting of a power-driven  
3 7 endless belt, provided with steps or platforms and handholds  
3 8 attached to it for the transportation of persons from floor to  
3 9 floor.

3 10 13. "Material lift elevator" means an elevator ~~existing at  
3 11 the location prior to January 1, 1975, which is limited in use~~  
3 12 to the movement of materials.

3 13 14. "Moving walk" means a type of passenger-carrying  
3 14 device on which passengers stand or walk, and in which the  
3 15 passenger-carrying surface remains parallel to its direction  
3 16 in motion and is uninterrupted.

3 17 15. "New installation" means a facility conveyance the  
3 18 construction or relocation of which is begun, or for which an  
3 19 application for a new installation permit is filed, on or  
3 20 after the effective date of rules relating to those permits  
3 21 adopted by the commissioner under authority of this chapter.  
3 22 All other installations are existing installations.

3 23 16. "Owner" means the owner of a facility conveyance,  
3 24 unless the facility conveyance is a new installation or is  
3 25 undergoing major alterations, in which case the owner shall be  
3 26 considered the person responsible for the installation or  
3 27 alteration of the facility conveyance until the facility  
3 28 conveyance has passed final inspection by the division.

3 29 17. "Passenger elevator" means an elevator that is used to  
3 30 carry persons other than the operator and person necessary for  
3 31 loading and unloading.

3 32 18. "Safety board" means the elevator safety board created  
3 33 in section 89A.13.

3 34 19. "Special inspector" means an inspector licensed  
3 35 commissioned by the labor commissioner, and not employed by  
4 1 the division.

4 2 Sec. 2. Section 89A.2, Code 2007, is amended to read as  
4 3 follows:

4 4 89A.2 SCOPE OF CHAPTER.

4 5 The provisions of this chapter shall not apply to any  
4 6 facility conveyance installed in any single private dwelling  
4 7 residence, to facilities conveyances subject to regulation  
4 8 under ~~Iowa Administrative Code, chapter 26 of the rules of the  
4 9 division of labor services (regulation 875 IAC 26.1 and 29  
4 10 C.F.R. 1926.552)~~, to lifts subject to regulation under chapter  
4 11 88, to material lift elevators existing in the same location  
4 12 since prior to January 1, 1975, or to facilities conveyances

4 13 over which an agency of the federal government is asserting  
4 14 similar enforcement jurisdiction. Provisions of this chapter  
4 15 supersede similar conflicting provisions contained in building  
4 16 codes of this state or any subdivision thereof.

4 17 Sec. 3. Section 89A.3, subsections 1 and 2, Code 2007, are  
4 18 amended to read as follows:

4 19 1. The safety board may adopt rules governing maintenance,  
4 20 construction, alteration, and installation of facilities  
4 21 conveyances, and the inspection and testing of new and  
4 22 existing installations as necessary to provide for the public  
4 23 safety, and to protect the public welfare.

4 24 The safety board shall adopt, amend, or repeal rules  
4 25 pursuant to chapter 17A as it deems necessary for the  
4 26 administration of this chapter, which shall include, but not  
4 27 be limited to, rules providing for:

4 28 a. Classifications of types of facilities conveyances.

4 29 b. Maintenance, inspection, testing, and operation of the  
4 30 various classes of ~~facilities conveyances~~.

4 31 c. Construction of new ~~facilities conveyances~~.

4 32 d. Alteration of existing ~~facilities conveyances~~.

4 33 e. Minimum safety requirements for all existing ~~facilities~~  
4 34 ~~conveyances~~.

4 35 f. Control or prevention of access to ~~facilities~~  
5 1 ~~conveyances~~ or dormant ~~facilities conveyances~~.

5 2 g. The reporting of accidents and injuries arising from  
5 3 the use of ~~facilities conveyances~~.

5 4 h. The adoption of procedures for the issuance of  
5 5 variances.

5 6 i. The amount of fees charged and collected for  
5 7 inspection, permits, and ~~licenses commissions~~. Fees shall be  
5 8 set at an amount sufficient to cover costs as determined from  
5 9 consideration of the reasonable time required to conduct an  
5 10 inspection, reasonable hourly wages paid to inspectors, and  
5 11 reasonable transportation and similar expenses.

5 12 2. The safety board shall adopt rules for ~~facilities~~  
5 13 ~~conveyances~~ according to the applicable provisions of the  
5 14 American society of mechanical engineers safety codes for  
5 15 elevators and escalators, A17.1 and A17.3, as the safety board  
5 16 deems necessary. In adopting rules the safety board may adopt  
5 17 the American society of mechanical engineers safety codes, or  
5 18 any part of the codes, by reference.

5 19 The safety board may adopt rules permitting existing  
5 20 passenger and freight elevators to be modified into material  
5 21 lift elevators.

5 22 Sec. 4. Section 89A.5, Code 2007, is amended to read as  
5 23 follows:

5 24 89A.5 REGISTRATION OF ~~FACILITIES CONVEYANCES~~.

5 25 The owner of every existing ~~facility conveyance~~, whether or  
5 26 not dormant, shall register the ~~facility conveyance~~ with the  
5 27 commissioner, giving type, contract load and speed, name of  
5 28 manufacturer, its location and the purpose for which it is  
5 29 used, and other information the commissioner may require.  
5 30 Registration shall be made in a format required by the  
5 31 division.

5 32 Sec. 5. Section 89A.6, Code 2007, is amended to read as  
5 33 follows:

5 34 89A.6 INSPECTIONS == REPORTS == NONLIABILITY.

5 35 All new and existing ~~facilities conveyances~~, except dormant  
6 1 ~~facilities conveyances~~, shall be tested and inspected in  
6 2 accordance with the following schedule:

6 3 1. Every new or altered ~~facility conveyance~~ shall be  
6 4 inspected and tested before the operating permit is issued.

6 5 2. Every existing ~~facility conveyance~~ registered with the  
6 6 commissioner shall be inspected within one year after the  
6 7 effective date of the registration, except that the safety  
6 8 board may extend by rule the time specified for making  
6 9 inspections.

6 10 3. Every ~~facility conveyance~~ shall be inspected not less  
6 11 frequently than annually, except that the safety board may  
6 12 adopt rules providing for inspections of ~~facilities~~  
6 13 ~~conveyances~~ at intervals other than annually.

6 14 4. The inspections required by subsections 1 to 3 shall be  
6 15 made only by inspectors or special inspectors. An inspection  
6 16 by a special inspector may be accepted by the commissioner in  
6 17 lieu of a required inspection by an inspector.

6 18 5. A report of every inspection shall be filed with the  
6 19 commissioner by the inspector or special inspector, in a  
6 20 format required by the commissioner, after the inspection has  
6 21 been completed and within the time provided by rule, but not  
6 22 to exceed thirty days. The report shall include all  
6 23 information required by the commissioner to determine whether  
6 24 the ~~facility conveyance~~ is in compliance with applicable  
6 25 rules. For the inspection required by subsection 1, the  
6 26 report shall indicate whether the ~~facility conveyance~~ has been  
6 27 installed in accordance with the detailed plans and  
6 28 specifications approved by the commissioner, and meets the  
6 29 requirements of the applicable rules. The failure of a  
6 30 special inspector to inform the commissioner of violations  
6 31 shall not subject the commissioner to liability for any  
6 32 damages incurred.

6 33 6. In addition to the inspections required by subsections  
6 34 1 to 3, the safety board may provide by rule for additional  
6 35 inspections as the safety board deems necessary to enforce the  
7 1 provisions of this chapter.

7 2 Sec. 6. Section 89A.7, Code 2007, is amended to read as  
7 3 follows:

7 4 89A.7 ALTERATION PERMITS.

7 5 The owner shall submit to the commissioner detailed plans,  
7 6 specifications, and other information the commissioner may  
7 7 require for each facility conveyance to be altered, together  
7 8 with an application for an alteration permit, in a format  
7 9 required by the commissioner. Repairs or replacements  
7 10 necessary for normal maintenance are not alterations, and may  
7 11 be made on existing installations with parts equivalent in  
7 12 material, strength, and design to those replaced and no plans  
7 13 or specifications or application need be filed for the repairs  
7 14 or replacements. However, this section does not authorize the  
7 15 use of any facility conveyance contrary to an order issued  
7 16 pursuant to section 89A.10, subsections 2 and 3.

7 17 Sec. 7. Section 89A.9, Code 2007, is amended to read as  
7 18 follows:

7 19 89A.9 OPERATING PERMITS.

7 20 Operating permits shall be issued by the commissioner to  
7 21 the owner of every facility conveyance when the inspection  
7 22 report indicates compliance with the applicable provisions of  
7 23 this chapter. However, a permit shall not be issued if the  
7 24 fees required by this chapter have not been paid. Permits  
7 25 shall be issued within thirty days after filing of the  
7 26 inspection report required by section 89A.6, unless the time  
7 27 is extended for cause by the division. A facility conveyance  
7 28 shall not be operated after the thirty days or after an  
7 29 extension granted by the commissioner has expired, unless an  
7 30 operating permit has been issued.

7 31 The operating permit shall indicate the type of equipment  
7 32 for which it is issued, and in the case of elevators shall  
7 33 state whether passenger or freight, and also shall state the  
7 34 contract load and speed for each facility conveyance. The  
7 35 permit shall be posted conspicuously in the car of an  
8 1 elevator, or on or near a dumbwaiter, escalator, moving walk,  
8 2 or lift.

8 3 Sec. 8. Section 89A.10, subsections 2 and 3, Code 2007,  
8 4 are amended to read as follows:

8 5 2. If the owner does not make the changes necessary for  
8 6 compliance as required in subsection 1 within the period  
8 7 specified by the commissioner, the commissioner, upon notice,  
8 8 may suspend or revoke the operating permit, or may refuse to  
8 9 issue the operating permit for the facility conveyance. The  
8 10 commissioner shall notify the owner of any action to suspend,  
8 11 revoke, or refuse to issue an operating permit and the reason  
8 12 for the action by service in the same manner as an original  
8 13 notice or by certified mail. An owner may appeal the  
8 14 commissioner's initial decision to the safety board. The  
8 15 decision of the safety board shall be considered final agency  
8 16 action pursuant to chapter 17A.

8 17 3. If the commissioner has reason to believe that the  
8 18 continued operation of a facility conveyance constitutes an  
8 19 imminent danger which could reasonably be expected to  
8 20 seriously injure or cause death to ~~members of the public, any~~  
8 21 ~~person, in addition to any other remedies,~~ the commissioner  
8 22 may apply to the district court in the county in which such  
8 23 imminently dangerous condition exists for a temporary order  
8 24 for the purpose of enjoining such imminently dangerous  
8 25 facility conveyance. Upon hearing, if deemed appropriate by  
8 26 the court, a permanent injunction may be issued to insure that  
8 27 such imminently dangerous facility conveyance be prevented or  
8 28 controlled. Upon the elimination or rectification of such  
8 29 imminently dangerous condition, the temporary or permanent  
8 30 injunction shall be vacated.

8 31 Sec. 9. Section 89A.11, Code 2007, is amended to read as  
8 32 follows:

8 33 89A.11 NONCONFORMING ~~FACILITIES~~ CONVEYANCES.

8 34 The safety board, pursuant to rule, may grant exceptions  
8 35 and variances from the requirements of rules adopted for any  
9 1 facility conveyance. Exceptions or variations shall be  
9 2 reasonably related to the age of the facility conveyance, and  
9 3 may be conditioned upon a repair or modification of the  
9 4 facility conveyance deemed necessary by the safety board to  
9 5 assure reasonable safety. However, an exception or variance  
9 6 shall not be granted except to prevent undue hardship. Such  
9 7 ~~facilities conveyances~~ shall be subject to orders issued  
9 8 pursuant to section 89A.10.

9 9 Sec. 10. Section 89A.12, Code 2007, is amended to read as  
9 10 follows:

9 11 89A.12 ACCESS TO ~~FACILITIES~~ CONVEYANCES.

9 12 Every owner of a facility conveyance subject to regulation  
9 13 by this chapter shall grant access to that facility conveyance  
9 14 to the commissioner and personnel of the division.  
9 15 Inspections shall be permitted at reasonable times, with or

9 16 without prior notice.  
9 17 Sec. 11. Section 89A.13, subsections 1 and 7, Code 2007,  
9 18 are amended to read as follows:  
9 19 1. An elevator safety board is created within the division  
9 20 of labor services in the department of workforce development  
9 21 to formulate definitions and rules for the safe and proper  
9 22 installation, repair, maintenance, alteration, use, and  
9 23 operation of ~~facilities~~ conveyances in this state.

9 24 7. Not later than July 1, 2005, and every three years  
9 25 thereafter, the safety board shall conduct a comprehensive  
9 26 review of existing ~~elevator and facility~~ conveyance rules,  
9 27 regulations, and standards.

9 28 Sec. 12. Section 89A.14, Code 2007, is amended to read as  
9 29 follows:

9 30 89A.14 CONTINUING DUTY OF OWNER.

9 31 Every ~~facility~~ conveyance shall be maintained by the owner  
9 32 in a safe operating condition and in conformity with the rules  
9 33 adopted by the safety board.

9 34 Sec. 13. Section 89A.15, Code 2007, is amended to read as  
9 35 follows:

10 1 89A.15 INSPECTIONS BY LOCAL AUTHORITIES.

10 2 A city or other governmental subdivision shall not make or  
10 3 maintain any ordinance, bylaw, or resolution providing for the  
10 4 licensing of special inspectors. An ordinance or resolution  
10 5 relating to the inspection, construction, installation,  
10 6 alteration, maintenance, or operation of ~~facilities~~  
10 7 conveyances within the limits of the city or governmental  
10 8 subdivision which conflicts with this chapter or with rules  
10 9 adopted pursuant to this chapter is void. The commissioner,  
10 10 in the commissioner's discretion, may accept inspections by  
10 11 local authorities in lieu of inspections required by section  
10 12 89A.6, but only upon a showing by the local authority that  
10 13 applicable laws and rules will be consistently and literally  
10 14 enforced and that inspections will be performed by special  
10 15 inspectors.

10 16 Sec. 14. Section 89A.18, Code 2007, is amended to read as  
10 17 follows:

10 18 89A.18 CIVIL PENALTY.

10 19 If upon notice and hearing the commissioner determines that  
10 20 an owner has operated a ~~facility~~ conveyance after an order of  
10 21 the commissioner that suspends, revokes, or refuses to issue  
10 22 an operating permit for the ~~facility~~ conveyance has become  
10 23 final under section 89A.10, subsection 2, the commissioner may  
10 24 assess a civil penalty against the owner in an amount not  
10 25 exceeding five hundred dollars, as determined by the  
10 26 commissioner. An order assessing a civil penalty is subject  
10 27 to appeal under section 89A.10, subsection 2, in the same  
10 28 manner and to the same extent as decisions referred to in that  
10 29 subsection. The commissioner may commence an action in the  
10 30 district court to enforce payment of the civil penalty. ~~No A~~  
10 31 record of assessment against or payment of a civil penalty by  
10 32 any person for a violation of this section shall not be  
10 33 admissible as evidence in any court in any civil action.  
10 34 Revenue from the penalty provided in this section shall be  
10 35 remitted to the treasurer of state for deposit in the state  
11 1 general fund.

11 2 Sec. 15. Section 331.304, subsection 4, Code 2007, is  
11 3 amended to read as follows:

11 4 4. A county shall not license elevator inspectors or  
11 5 regulate elevator ~~facilities~~ conveyances except as provided in  
11 6 section 89A.15.

#### 11 7 EXPLANATION

11 8 This bill establishes that the elevator law shall supersede  
11 9 conflicting provisions contained in the building codes of the  
11 10 state or any subdivision. The bill strikes the words  
11 11 "facility" and "facilities" from the chapter and replaces them  
11 12 with "elevator", or "conveyance" or "conveyances" as  
11 13 appropriate. The bill strikes the word "license" as it  
11 14 relates to special inspectors and replaces it with the word  
11 15 "commission". The bill changes the definition of material  
11 16 lift elevator to lifts used only for the movement of materials  
11 17 and excludes from regulation those material lift elevators  
11 18 that have been in the same location since before January 1,  
11 19 1975. The bill provides that in addition to applying for an  
11 20 injunction in district court in cases of imminent danger, the  
11 21 labor commissioner may use other methods of enforcement.

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